

Image

1615

PATENT
Attorney Docket No. 60117.000006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:

Jens PETERSEN

Application No.: 09/938,667

Filing Date: August 27, 2001

Title: POLYACRYLAMIDE HYDROGEL
FOR THE TREATMENT OF
INCONTINENCE AND
VESICOURETAL REFLUX

Group Art Unit: 1615

Examiner: B. Fubara

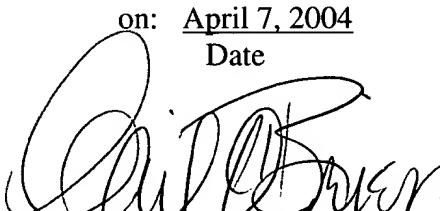
CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

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P.O. Box 1450
Alexandria, VA 22313-1450**

on: April 7, 2004

Date



Gail W. O'Brien

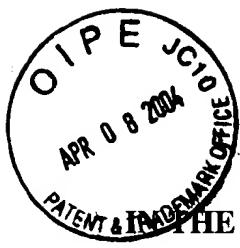
PATENT
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Documents being submitted with this Certification of Mailing under 1.8 are:

- Supplemental Information Disclosure Statement, Form PTO-1449, applicable references
- Self-Addressed Stamped Return Postcard

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant respectfully requests consideration of the references listed on the attached Form PTO-1449. Copies of the references listed and not previously submitted are also enclosed.

Applicant respectfully requests that the Examiner consider the references cited on the Form PTO-1449 and that the Examiner indicate that the references have been considered in this application by returning a copy of the Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

A non-final Office Action on the merits has already been issued in the current Application. Pursuant to 37 C.F.R. § 1.97(c)(1), Applicant states that the two U.S. Patents (5,658,329 and 5,700,289) listed on the Form PTO-1449 were not cited in a communication from a foreign patent office in a counterpart foreign application and that these items were not known

to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this paper.

Applicant notes that EP 153672 was previously submitted to the Patent Office, but without an English language translation. This reference was not considered by the Examiner as evidenced by the Form PTO-1449 returned to the Applicant with a non-final Office Action mailed February 25, 2004. Applicant submits herewith a published English abstract for EP 153672 which Applicant believes complies with the concise explanation of relevance pursuant to MPEP 609(A)(3).

The references identified on page 2 of the attached Form PTO-1449 were previously submitted to the Examiner on page 2 of a Form PTO-1449 filed on October 6, 2003. The Examiner indicated in the Office Action mailed February 25, 2004 that these references were not considered because the Form PTO-1449 incorrectly identified the Application as U.S. Application No. 10/227,265.

Applicant acknowledges that the page of Form PTO-1449 not considered by the Examiner contained an inadvertent typographical error that misidentified the Application number, although this page, submitted as the second of two pages, was attached to a first page and a cover page both of which correctly identified the application number of the instant Application. Applicant further notes that each of the filing date, first named inventor, art unit, Examiner name, and attorney docket number were correct on the page not considered. As Applicant has now corrected the typographical error, Applicant respectfully requests that the Examiner initial the Form PTO-1449 and return it to the Applicant per MPEP 609. Applicant regrets any inconvenience the inadvertent error may have caused.

Therefore, Applicant believes that no fee is due as the only references not previously

submitted to the Patent Office were not previously known to the Applicant and the appropriate statement under 37 C.F.R. § 1.97(c)(1) has been provided. In the event that a fee is required for this submission, authorization is given to charge the undersigned's Deposit Account No. 50-0206 in the appropriate amount.

Date: April 7, 2004

Respectfully submitted,



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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE O I P E LIST OF MATERIALS CITED BY APPLICANT <small>(Use several sheets if necessary)</small>				ATTY. DOCKET NO.: 60117.000006	SERIAL NO.: 09/938,667		
				INVENTOR'S NAME: Jens Petersen	EXAMINER: B. Fubara		
				FILING DATE: August 27, 2001	GROUP: 1615		
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	1.	5,658,329	08/19/97	Purkait			
	2.	5,700,289	12/23/97	Breitbart et al.			
	3.						
	4.						
	5.						
	6.						
	7.						
	8.						
	9.						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION Yes No
	10.	0153672 A2	09/04/85	EP			X (Abstract)
	11.						
	12.						
	13.						
	14.						
	15.						
	16.						
	17.						
	18.						
	19.						
EXAMINER			DATE CONSIDERED				
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

APR 08 2004

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number 09/938,667

Filing Date August 27, 2001

First Named Inventor Jens PETERSEN

Art Unit 1615

Examiner Name B. Fubara

Sheet

2

of

2

Attorney Docket Number

60117.000006

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		10/227,265	08/26/2002	Richard Schmidt, et al.	

FOREIGN PATENT DOCUMENTS

*Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
X	1	CN	CN1228447	09-15-1999	Cao MENGJUN		X	
X	2	RU	2034465	05-10-1995	English Abstract- Database WPI Section Ch, Week 199062 EX002154032		X	Abstract
X	3	RU	Lic. Reg. No. 94	05-20-1994	Russian Fed, Irkutsk Region, License to Medical Insurance of Citizens in the RSFSR Act		X	
X	4	RU	SU 1697756 A1	06-20-1988	Description of Invention; A Method for Treating the Larynx Diseases Involving Persistent Non- Junction of Vocal Folds		X	Abstract

OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
			YES	NO
X	5	N.A. Peppas, 1986, <i>Hydrogels in Medicine and Pharmacy</i> , CRC Press, Vol. I, pp. 2-6; 96-97	<input type="checkbox"/>	<input type="checkbox"/>

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

X Did not receive